

POR SF 11.3.3451



U S Army Corps  
of Engineers  
Portland District

JOINT  
PERMIT APPLICATION FORM  
THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES

UN 95 9 : 25

ALB LANDS-



Corps Action ID Number 95-534

Oregon Division of State Lands Number EP-9836

SEND A SIGNED COPY OF YOUR APPLICATION TO BOTH AGENCIES

District Engineer  
ATTN: CENPP-PE-RP  
P O Box 2946  
Portland, OR 97208-2946  
503/326-7730

State of Oregon  
Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
503/378-3805

①  
Applicant Name **Bob Hrdlicka, Marine Director**  
and Address **Port of Portland, PO Box 3529**  
**Portland, OR 97208**

business phone # **(503) 731-7942** *7518*  
home phone #  
FAX # **(503) 731-7250**

*Contact is Rollic Montagne*

☐ Co-Applicant  
☐ Authorized Agent  
☐ Contractor  
Name and Address

*731-7518*  
business phone #  
home phone #  
FAX #

Property Owner  
(if different than applicant)  
Name and Address

business phone #  
home phone #  
FAX #

② PROJECT LOCATION			
Street, Road or other descriptive location <b>Terminal 5, Portland Oregon</b> <b>SEE FIGURE 1</b>		Legal Description	
		Quarter	Section Township Range
		<b>SEE ATTACHMENT NO. 1</b>	
In or Near (City or Town) <b>Portland</b>	County <b>Multnomah</b>	Tax Map # <b>SEE ATTACHMENT NO. 1</b>	Tax Lot #
Waterway <b>Willamette River</b>	River Mile <b>2</b>	Latitude <b>SEE ATTACHMENT NO. 1</b>	Longitude
Is consent to enter property granted to the Corps and the Division of State Lands? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

③ PROPOSED PROJECT INFORMATION  
Activity Type: ☒ Fill ☐ Excavation (removal) ☐ In-Water Structure ☐ Maintain/Repair an Existing Structure

Brief Description:

Fill will involve      cubic yards annually and/or 120,000 cubic yards for the total project;  
0 cubic yards below the ordinary high water or high tide line

Fill will be ☐ Riprap ☐ Rock ☐ Gravel ☒ Sand ☐ Silt ☐ Clay ☐ Organics ☐ Other  
Fill Impact Area is 12.49 (USACE); 9.41 (ODSL) Acres;      length;      width;      depth.

Removal will involve      cubic yards annually and/or      cubic yards for the total project  
0 cubic yards below the ordinary high water or high tide line

Removal will be ☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☒ Organics ☐ Other  
Removal Impact Area is      Acres;      length;      width;      depth.

Estimated Start Date 10/02/95 Estimated Completion Date 12/30/96.

Will any material, construction debris, runoff, etc. enter a wetland or waterway? ☐ Yes ☒ No

If yes, describe the type of discharge and show the discharge location on the site plan. (Stormwater will be treated and discharged to the river as per the NPDES permit.)

USEPA SF



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## PROPOSED PROJECT PURPOSE & DESCRIPTION

④

### Project Purpose and Need:

See attached background and analysis (Attachment number 2)

### Project Description:

The proposed project is a bulk materials handling terminal located at Terminal 5 in the Rivergate Industrial Area. The site is a 110 acre facility that was formerly the location of the Pacific Coal Terminal. Construction of the coal facility was halted in 1982 at 80% completion due to financial reasons. Existing site improvements dating from the coal facility include a concrete dock (Berth 503), rotary rail car dumper, conveyor systems, stormwater treatment pond and coal handling equipment with a replacement value estimated at \$32 million. All of these improvements will be completed and put to their original use.

Additional construction is required to complete the facility for the handling of potash fertilizer and other materials. The major improvements include:

- construction of a double rail loop for handling unit trains
- a maintenance shop and office space
- a new rail car dumper pit
- dust control and water treatment facilities
- a 100,000 ton capacity potash storage building

See attached background and analysis (Attachment No. 2)

How many project drawing sheets are included with this application? 2 Figure 1: Vicinity Map; Figure 2: Site Plan

NOTE: A complete application must include drawings and a location map submitted on separate 8½ X 11 sheets.

⑤

## PROJECT IMPACTS AND ALTERNATIVES

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland.

The Port of Portland has no other sites that can be developed for handling bulk materials that require unit-train capacity on site. Potash has been handled in smaller amounts in Longview, WA as a reliever for the congested facilities in Vancouver, B.C.

Terminal 5 is the only site on the Columbia River that has the infrastructure in place to accommodate the proposed use. The dock, the adjacent rail yards and the under-utilized site investments are not available at other locations.

The required on-site rail capacity and engineering considerations governing rail curves leave no alternative to filling a 4.9 acre pond, 2.23 acres of an adjacent 4 acre forested wetland on the southern boundary of the site, and 2.07 acres of shrub/scrub wetland inside the rail loop. Most of the property requiring fill was purchased from Oregon Steel Mills in 1981 to facilitate the Pacific Coal Facility and its loop rail trackage requirements. Since then, 16 acres of the original site were developed (STC Submarine Systems). As a result, the rail configuration has become even tighter on the remainder of the Terminal 5 parcel.

There is no practical way to avoid filling the pond. The pond has chronic water quality problems (high pH) resulting from past practices at the steel mill and does not provide fish or wildlife habitat. The rail loops will encircle a portion of the forested wetland. The rail bed and continuous movement and storage of railcars will effectively isolate approximately 2.23 acres of forested wetland, most of which will be filled for the rail tracks. The very small fragment of wetlands that might be retained within the rail loop would have negligible values for wildlife, and would complicate site drainage and control and treatment of stormwater. Stormwater will be routed to the existing settling pond and discharged to the river through the existing outfall beneath the dock access ramp under the current NPDES permit. This will avoid intrusion into and impact on the riparian area.

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

Site improvements are held back from the top of the bank to preserve the existing riparian edge in conformance with the intent of the 1981 City of Portland Greenway permit issued for the coal facility. Intrusion into the densely vegetated riparian area along the river is limited to the area immediately adjacent to dock access corridor.

Standard construction practices will be used to minimize erosion and control sediment as per City Stormwater guidelines. No work will be conducted near the river.

NOTE: If necessary, use additional sheets.

⑥

## MISCELLANEOUS INFORMATION

### Adjoining Property Owners and Their Addresses and Phone Numbers

The Port owns land to north but leases to STC Corp. The land to the south is owned by Oregon Steel Mills. Union Pacific owns the railroad right-of-way directly to the east.

List all other approvals or certificates received, applied for, or denied that are related to this application.

Issuing Agency	Type of Approval	Identification Number	Dates of application / Approval / Denial
DEQ	NPDES Waste Discharge Permit	100796	Approved July 2, 1991
City of Portland	Greenway Permit	95-089	Applied for April 5, 1995

⑦  
CITY/COUNTY PLANNING DEPARTMENT AFFID.  
(to be completed by local planning official)

- ☐ This project is not regulated by the local comprehensive plan and zoning ordinance.  
☐ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.  
☐ This project has been reviewed and is not consistent with the local comprehensive plan and zoning ordinance.  
☒ Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

☐ Conditional Use Approval  
☐ Plan Amendment

☐ Development Permit  
☐ Zone Change

☒ Other FINAL RECORDING OF APPROVAL OF LUR 95-002886N  
ON 6/16/95

An application ☐ has ☐ has not been made for local approvals checked above.

Chuck Munn  
Signature (of local planning official)

PLANNER  
Title

PORTLAND  
City County

6/9/95  
Date

⑧  
COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 1175 Court Street NE, Salem, Oregon 97310 or call 503/373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

\_\_\_\_\_  
Print/Type Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

⑨  
SIGNATURE FOR JOINT APPLICATION  
(REQUIRED)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority including the necessary requisite property interests to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that local permits may be required before the state removal-fill permit is issued. I understand that payment of the required state processing fee does not guarantee permit issuance.

Robert G. Hrdlicka  
Print/Type Name

Director, Marine  
Title

Robert G. Hrdlicka  
Applicant Signature

June 1, 1995  
Date

I certify that I may act as the duly authorized agent of the applicant.

\_\_\_\_\_  
Print/Type Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

7  
CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT  
(to be completed by local planning official)

- ☐ This project is not regulated by the local comprehensive plan and zoning ordinance.  
☐ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.  
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☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

- ☐ Conditional Use Approval  
☐ Plan Amendment  
☐ Other \_\_\_\_\_  
☐ Development Permit  
☐ Zone Change

An application ☐ has ☐ has not been made for local approvals checked above.

Signature (of local planning official) \_\_\_\_\_

Title \_\_\_\_\_

City / County \_\_\_\_\_

Date \_\_\_\_\_

8

COASTAL ZONE CERTIFICATION

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Print/Type Name \_\_\_\_\_

Title \_\_\_\_\_

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

9

SIGNATURE FOR JOINT APPLICATION  
(REQUIRED)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority including the necessary requisite property interests to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that local permits may be required before the state removal-fill permit is issued. I understand that payment of the required state processing fee does not guarantee permit issuance.

Robert G. Hrdlicka  
Print/Type Name \_\_\_\_\_

Director, Marine  
Title \_\_\_\_\_

  
Applicant Signature \_\_\_\_\_

June 1, 1995  
Date \_\_\_\_\_

I certify that I may act as the duly authorized agent of the applicant.

Print/Type Name \_\_\_\_\_

Title \_\_\_\_\_

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

**SUPPLEMENTAL WETLAND IMPACT INFORMATION**  
(FOR WETLAND FILLS ONLY)

**Site Conditions of impact area**

Impact area is ☐ Ocean ☐ Estuary ☐ River ☐ Lake ☐ Stream ☒ Freshwater Wetland

**Note:** Estuarian Resource Replacement is required by state law for projects involving Intertidal or tidal marsh alterations. A separate Wetlands Resource Compensation Plan may be appended to the application.

Has a wetland delineation been completed for this site? ☒ Yes ☐ No  
If yes, by whom: **Fishman Environmental Services, 1995**

Describe the existing Physical and biological character of the wetland/waterway site by area and type of resource (use separate sheets and photos, if necessary)

The approximately 110 acre Terminal 5 site is comprised primarily of dredged fill material. Some areas of the site are considered disturbed due to historic filling and/or building activity. Two bodies of open water are present on the site; these include the lagoon at the south end of the property and the settling pond located on the western portion of the site. The settling pond has been determined not to be jurisdictional wetland by DSL and the Corps of Engineers (see Attachment No. 4). Areas of scrub/shrub, palustrine emergent and riverine tidal wetlands are present on the site. A total of 15.76 acres were mapped as potential jurisdictional wetlands; however, the amount of jurisdictional wetland on the site is 12.49 under federal jurisdiction, and 9.41 acres under state jurisdiction (see Attachment No. 3).

Additional information regarding wetland resources on the T-5 site are included in the Wetland Delineation report prepared by Fishman Environmental Services. A copy is included with the permit application.

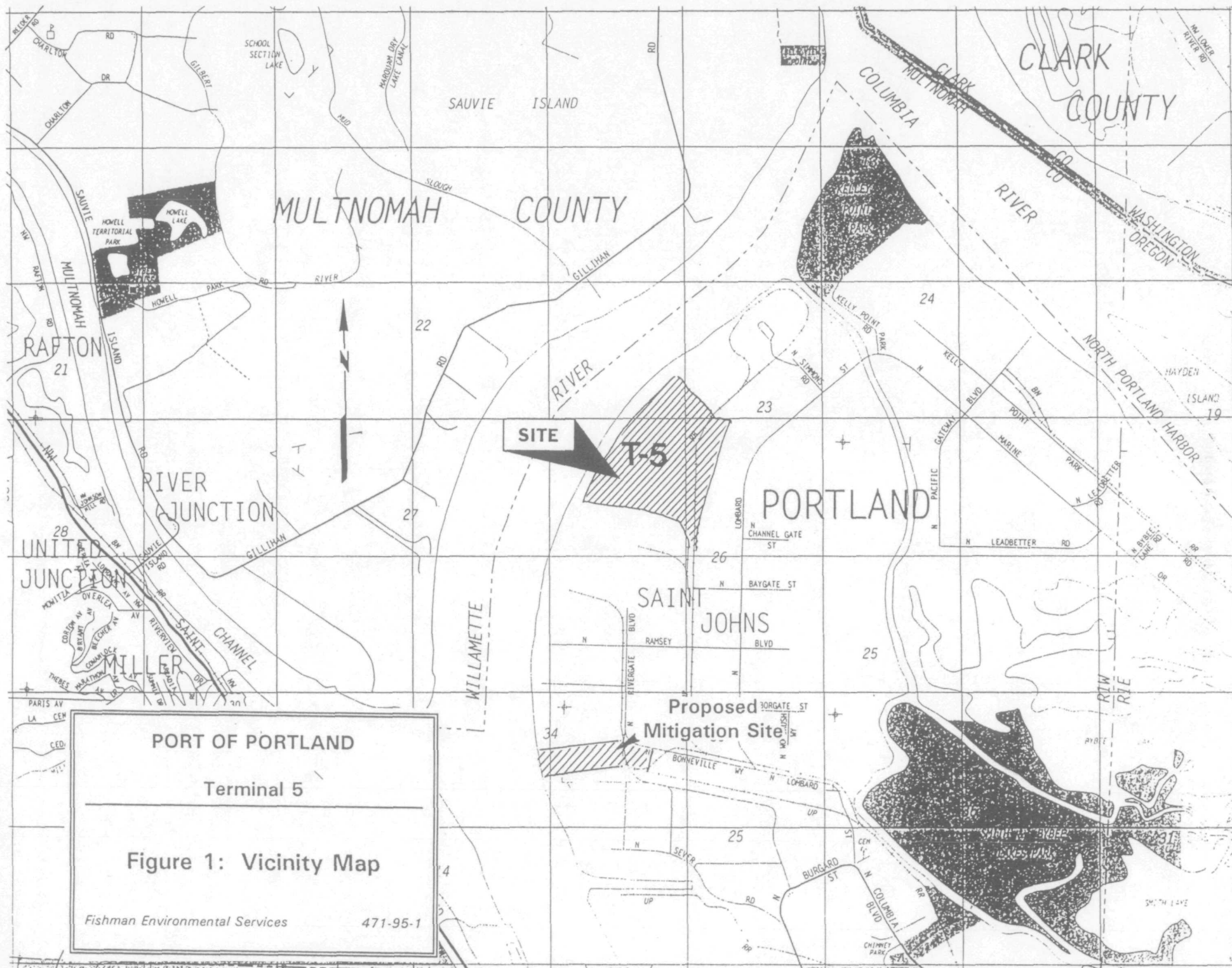
**RESOURCE REPLACEMENT MITIGATION**

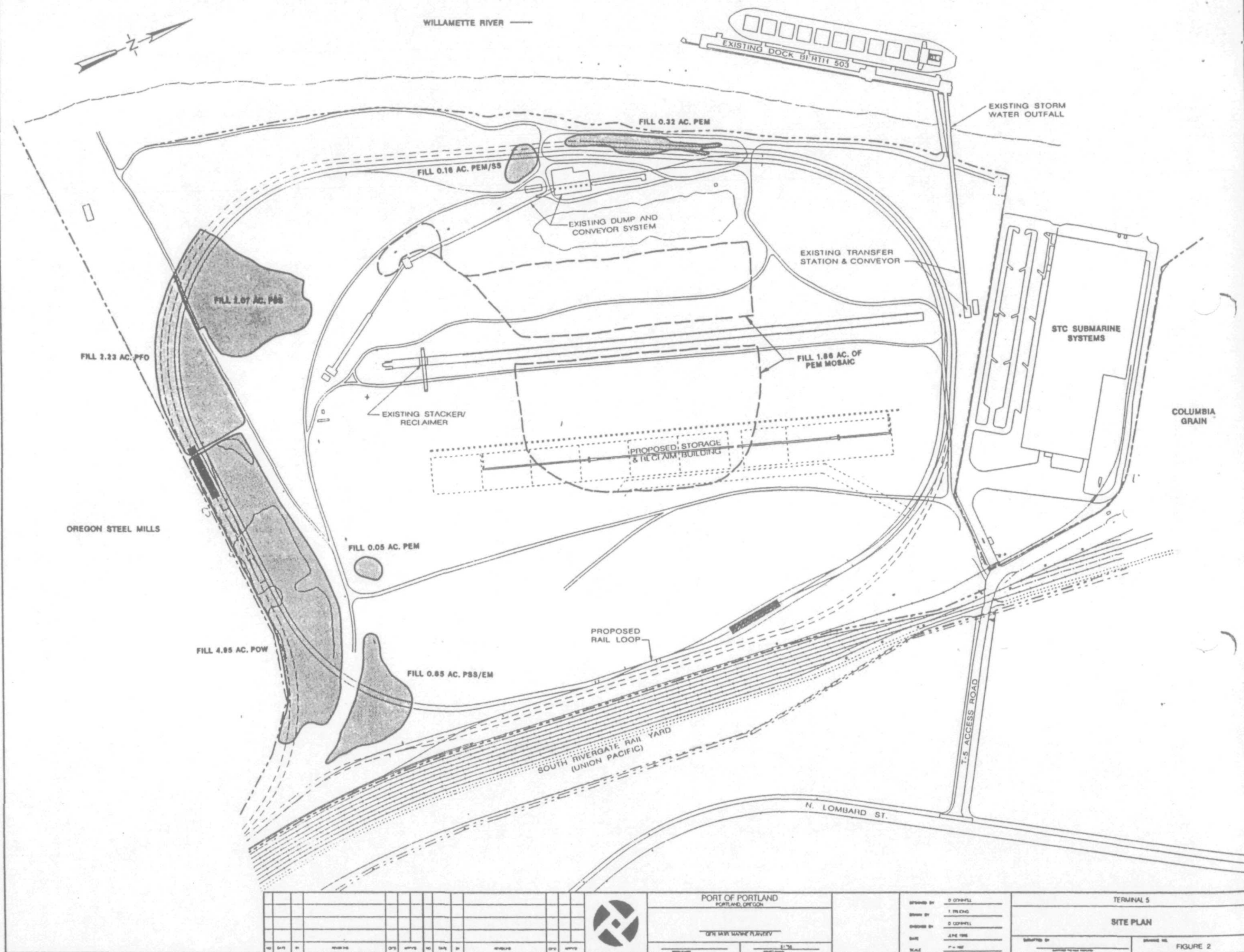
Describe measures to be taken to replace unavoidably impacted wetland resources

Mitigation for impacted wetland resources at Terminal 5 will be constructed on Port of Portland property in the South Rivergate Industrial Area between the Willamette River, N. Rivergate Blvd. and the Rivergate access road. Mitigation will consist of restoring historic emergent wetlands by removing fill material and planting native wetland plants. A conceptual mitigation plan is attached.

The proposed mitigation project will restore wetlands in the South Rivergate area adjacent to the Willamette River. The project will add a significant portion to a presently disrupted wildlife corridor between the Willamette River and Columbia Slough near the St. Johns landfill. The restoration of wetland and upland buffer habitat at this location will replace existing dredge material (sand) which is mostly bare with vegetated habitat in the only gap in the corridor.

\* Because this information is not necessary for a complete application, you may submit this sheet and other environmental information after submitting your application.





## GENERAL NOTES:

1. Legal descriptions, tax lot data and tax account information were compiled from detailed information provided by the Port of Portland regarding Exhibit Plat Partitions and Ownership of contingent Port properties and the Multnomah County Tax Assessor. Adjoining properties owned by the Port of Portland extend generally to Oregon's Steel Mills (Gilmore Steel) to the South; to the Union Pacific Railroad Right-of-Way to the East; to the Willamette River to the West; and to the Columbia Slough and Kelley Point Park (City of Portland) to the North.
2. Smith & Monroe & Gray Engineers do not warrant or guarantee the accuracy of the lot line dimensions, bearings, property closure or related information.
3. Referenced Maps and Drawings:  
 City of Portland Zoning Maps: 1/4 Section Map #s 1319, 1320, 1419, 1420, 1519, 1520, 1619 and 1620.  
 Multnomah County Tax Maps: Section 23, T2N-R1W, Map #73 and Section 26, T2N-R1W, Map #77.  
 Port of Portland Drawing: RG 81-43 1/2 Exhibit Plat, Intercity Metals  
 RG 81-43 2/2 Exhibit Plat, Gilmore Steel Co. Property Exchange  
 RG 81-53 Exhibit Plat, Intercity Metals - Gilmore Steel Railroad Spurs  
 RG 82-3 Exhibit Plat, Gilmore Steel Co. Exempt Minor Partition Mult. Co.  
 RG 88-17 1/1 Exhibit Plat, STC Submarine Systems, Inc.  
 T-5 82-3 1/1 Exhibit Plat, Pacific Coal

## LEGAL DESCRIPTION AND RELATED TAX INFORMATION OF DEVELOPMENT PROPERTY

TAX LOT NUMBER - (#)	SECTION NUMBER	TOWNSHIP & RANGE	TAX ACCOUNT NUMBERS	COUNTY TAX MAP NUMBER	CITY ZONING 1/4 SECT MAP	BASE ZONE	OVERLAY ZONE	PLAN DISTRICT
20 OF TRACT E, BLK 12	23	T2N-R1W	R-70888-1588	74	1419	IH	hi	N/A
87 OF TRACT E, BLKS 10&12	23	T2N-R1W	R-70888-1903	74	1419	IH	hi	N/A
16 OF TRACT C, BLK 12	26	T2N-R1W	R-70888-0036	77	1519	IH	hi	N/A
82 OF TRACTS C&E, BLKS 8&10	26	T2N-R1W	R-70888-1520	77	1519	IH	hi	N/A

## LEGAL DESCRIPTION AND RELATED TAX INFORMATION OF ADJACENT PROPERTIES UNDER COMMON OWNERSHIP

TAX LOT NUMBER - (#)	SECTION NUMBER	TOWNSHIP & RANGE	TAX ACCOUNT NUMBERS	COUNTY TAX MAP NUMBER	CITY ZONING MAP NUMBER	BASE ZONE	OVERLAY ZONE	PLAN DISTRICT
9 OF BLK 11	23	T2N-R1W	R-70888-2200	74	1420	IH	hi	N/A
90 OF TRACT E, BLKS 10&12	23	T2N-R1W	R-70888-1910	74	1420	IH	hi	N/A
TRACT G	23	T2N-R1W	R-70888-1600	74	1320	IH	hi	N/A
14 OF TRACT C	26	T2N-R1W	R-70888-1510	77	1520	IH	hi	N/A



## **ATTACHMENT 2 STATEMENT OF PROJECT PURPOSE AND NEED**

The Columbia River is a natural gateway to the Pacific Rim for the export of bulk cargoes. These include grains and other agricultural products, as well as mineral resources used in agriculture and industry. The proposed facility at Terminal 5 will handle potash mined in Canada and shipped by rail to export terminals for global distribution, principally for use as a fertilizer. Other bulk minerals are also being considered for export through Terminal 5. The facility is being designed for a handling and loading capacity of 3 million tons per year, although initial rail and storage capacity will be half that amount.

The key to efficient bulk terminals is the ability to receive unit train shipments (100-110 rail cars) and unload them rapidly through bottom-dump hopper cars or with a rotary rail car unloader, such as the one at Terminal 5. Each unit train will hold between 9,000 and 10,000 metric tons of product. Potash will be placed in covered storage on the site. Other products such as coal (for which the site was originally designed) can be placed in uncovered storage areas.

The stored product is "reclaimed" and moved by conveyor to the vessel. Vessels carrying mineral bulks are typically loaded in 20-40,000 ton shipment sizes, resulting in drafts of 38 feet or less. Depending on the product, larger vessels in the "Panamax" class (40-50,000 DWT) may also be anticipated.

To meet the current and anticipated requirements of the industry, this facility is being designed with two rail loops and an ability to add two additional loops in the future. The rail loops are designed with a minimum curvature of 9.30 degrees which is required to keep the 6,500 foot trains from "stringlining" or jumping the tracks as it passes through the facility. A similar configuration was used in designing the Peavey Grain Terminal in Kalama to allow it to receive unit train shipments of mid-west corn.

The existing dock is designed for the intended use and will only require the completion of the fendering system. The 800 foot long concrete dock (Berth 503) was built as part of the coal facility development. Construction permits for the dock were obtained from the Army Corps of Engineers in 1981. The dock was designed to have a 40 foot depth and was last dredged to -40 feet CRD in 1982 during the original construction. A total of 30,000 cubic yards of material were removed. The most recent survey of the berth face shows some sedimentation with a limiting depth of -37 feet CRD. The berth is scheduled for routine maintenance dredging in Fiscal Year 1995.

Oregon



May 2, 1995

C. Mirth Walker  
Fishman Environmental Services  
434 NW 6Th Ave suite 304  
Portland, OR 97209-3600

Re: Wetland Delineation for Port of Portland Terminals,  
Portland, Multnomah Co. T1N, R2W, Sect 23 & 26

Dear Mirth:

I have reviewed the above referenced wetland delineation. Based on the data presented and a site visit concluded on April 7, 1995, I concur with the wetland boundaries you have identified as shown on Plate 1 of your report.

The wetlands labeled 5,6,7,8,9,10,11,12 and 13 are all shallow depressions in the previously filled area when the site was prepared as a coal export facility. The substrate at each site is compacted fill and the ponding is a seasonal phenomena reflecting lack of developed drainage. Each individual site is less than 1 acre in size and, therefore, would not be regulated by the Removal-Fill Law.

Wetland 4 is a water treatment system not subject to Oregon's Removal-Fill Law permit requirements. Wetland site 1 is a lagoon that receives contaminated runoff from the adjacent steel mill. Wetland sites 2 and 3 are remnants of the riparian wetland system adjacent to the Willamette River.

Please call if you have any questions concerning this letter.

Sincerely,

Kenneth F. Bierly  
Wetlands Program Manager

KFB/ems  
ken:1266

c: Jim Goudzwaard, Corps  
Rollie Montague, Port of Portland  
Jerry Hedrick, DSL

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DIVISION OF  
STATE LANDS

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STATE LAND BOARD

JOHN A. KITZHABER  
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PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

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775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2946  
PORTLAND, OREGON 97208-2946

REPLY TO  
ATTENTION OF:

April 27, 1995

Operations Division

Mr. Pad Quinn  
Environmental & Safety Manager  
Marine Operations  
Port of Portland  
P.O. Box 3529  
Portland, Oregon 97208

Dear Mr. Quinn:

I have completed review of the information you provided regarding the settling basin at Terminal 5. This information included aerial photographs from 1937 to 1993 (these are enclosed) and a copy of the active NPDES permit issued by the Oregon Department of Environmental Quality. The Multnomah County Soil Survey was also reviewed. You have asked whether the settling basin falls under the regulatory jurisdiction of the U.S. Army Corps of Engineers.

Our regulations at 33 CFR Part 328.3 state that "waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA . . . are not waters of the United States." The preamble to this section goes on further to say that "artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing" are generally not considered waters of the United States.

Based on the above, the settling basin at Terminal 5 is not subject to regulation under Section 404 of the Clean Water Act. If you have any questions, you can reach me at (503) 326-6096.

Sincerely,

Judy L. Linton  
Project Manager  
Regulatory Branch

Enclosures

**TERMINAL 5 WETLAND FILL ACREAGES**  
**June 2, 1995**

<u>Wetland number</u>	<u>Acres</u>
1	4.95
2	2.23
3	2.07
4	N/J
5	0.32*
6	N/J
7	N/J
8	0.11*
9	0.90*
10	0.21*
11	0.64*
12	0.85*
13	0.05*
<u>14</u>	<u>0.16</u>
total	12.49

N/J = not jurisdictional for both agencies

\* = not jurisdictional for ODSL